

VOL. 73. NO. 46.

CANTON, OHIO, FRIDAY, DECEMBER 21, 1906.

ONE DOLLAR PER YEAR

AN INJUNCTION

GRANTED AGAINST J.
C. MILLER,Temporarily by Judge H.
W. Harter.In Favor of the Miller
Pasteurizing Company,
and Involving Valuable
Patents.

Injunction proceedings were commenced in common pleas court yesterday by the Miller Pasteurizing Co. against John C. Miller, whereby the Miller Pasteurizing Co. asks the court to restrain J. C. Miller from disposing of certain patents, the property of the Miller Pasteurizing Co., which he and Harvey Miller bought jointly for the Miller Pasteurizing Co.

The plaintiff company in its petition against Miller states that one Lena G. Hill, of Cedar Rapids, was the owner of certain patents of improvements of pasteurizing machinery, which were purchased for and paid for by the Miller Pasteurizing Co., for the consideration of \$2500.

The negotiations for the purchase of said patents from Lena Hill were conducted on the part of the Miller Pasteurizing Co. by Harvey H. Miller, the president and general manager of the Miller Pasteurizing Co., and John C. Miller, the defendant, who was the vice president and assistant manager of the company at the time. In making the assignment and transfer of the patents Lena G. Hill made the same in the name of Harvey H. Miller, and the defendant, John C. Miller, who accepted the same on behalf of the Miller Pasteurizing Co., and took the title to the patents in their names in trust for the company, but without any actual personal interest therein on their part, or on the part of either of them, but only as the representatives of the Miller Pasteurizing Co. This transaction was made with the understanding that the legal title to the patents would be transferred to the Miller Pasteurizing Co. upon demand.

The plaintiff company states that it has demanded of H. H. Miller and J. C. Miller that they severally transfer and assign the patents to them in due legal form. Although the patents are apparently standing in the names of H. H. Miller and J. C. Miller, they are the property of the Miller Pasteurizing Co.

Harvey H. Miller has acquiesced in the demand for a transfer, as was the understanding, and has transferred, executed and delivered to the plaintiff company a legal assignment of all the right, title and interest in the patents at question. This, however, has not been done by J. C. Miller, he absolutely refusing to execute such a transfer. He goes farther than that, however, by insisting upon his right to retain them, and it is the opinion of the plaintiff company that they will be sold and disposed of to their injury.

J. C. Miller was formerly connected with the Miller Pasteurizing Co., but severed connection with it some time ago, at the time of the organization of the Miller-Tyson Co., a firm making the same kind of products as the Miller Pasteurizing Co. This firm is composed of J. C. Miller, Frank Tyson and H. B. Stewart.

The Miller Pasteurizing Co. in its petition to the common pleas court asks that the defendant be temporarily restrained from selling or disposing of the patents or any interest in them, and that upon the final hearing of the cause the injunction be made perpetual. It asks further that the court decree that the defendant hold the patents in trust for them.

Judge Harter, yesterday, when the case was brought before him, granted the Miller Pasteurizing Co. an injunction temporarily restraining J. C. Miller from disposing of the patents or any interest therein.

The Miller Pasteurizing Co.'s plant is located on Cedar street. Its product is machinery for pasteurizing, sterilizing, cooling, heating and bottling liquids. It also manufactures separators, churns, creameries, cheese machinery, cooling and refrigerating

plants, and any and all forms of dairy machinery and processes and things incident thereto. The firm is composed of H. H. Miller, president; L. A. Loichot, treasurer, and F. W. Miller, superintendent.

The Miller-Tyson Co. manufactures the same products as the Miller Pasteurizing Co. Its plant is located in Savannah avenue in the old Canton Pole and Shaft company plant. The firm is composed of H. B. Stewart, president; F. T. Zollinger, vice president; G. E. Wilder, secretary and treasurer; J. C. Miller, general manager, and Frank Tyson, general superintendent.

AGAIN POSTPONED

Action in Appointing Assistant Engineer Put Off Till Friday.

In the absence from the city of President Buchman of the board of public service yesterday morning, Member Lauffer occupied the chair. The communication from council, providing for the employment of Jesse Starret, as assistant engineer was read and deferred to Friday morning.

Clerk Faust was instructed to advertise the sale of the property west of the Canton Glass company property, along the Pennsylvania railroad, for January 21 at noon. The land is wanted by the board of trade or a Cleveland pump company, desirous of locating here.

As is the custom before holidays, city employees will be paid Saturday for the last of the month, and Clerk Faust was instructed to prepare the salary list for Friday morning.

SHOPLIFTER

Arrested in Detroit Claims
Canton as Her Home.
Jailed and Fined.

NAME UNKNOWN HERE

Detroit, Mich., Dec. 19.—Mrs. Augusta Hornd, wife of a traveling salesman who represents a New York music house, was arrested for shoplifting here today. When arrested she stated that her home was in Canton, Ohio. The Hornd woman was caught in the act of lifting valuable articles in a large department store. A woman detective employed in the store saw the act. When searched, several silver-mounted match safes and other articles were found in her handbag.

The woman pleaded guilty on Wednesday and was fined \$25 by the mayor. The fine was paid by her husband.

In speaking of his wife's act her husband said: "I don't know why she did it. There is no excuse for her act. We are well known in Canton, O., where my wife has plenty of friends. This is her first experience." Mrs. Hornd was hysterical and begged the officers to release her. She was compelled to remain in a cell all night.

Examination of the city directory last night and inquiry made in several places about the city by a News representative failed to develop a person by the name of Hornd. No one could be found who knows a woman by that name.

The Performance Not Cut.

Owing to there being some question by patrons of the Grand Opera House as to the length of the performance of "A Good Fellow," as given by Miss Eva Tanguay last evening, the management of the theatre desires to state that it was given in its entirety and in order that any idea to the contrary be dispelled, the theatre has had the Manager of the Eva Tanguay Company give his assurance by placing his signature herewith.

"Our performance is of two hours' duration and tonight's was as usual. There was no 'out' made and there would be no object in us making any, as the company does not move from Canton until 8:15 tomorrow morning."

"R. G. HERNDON, Mgr."

Canton, O., Dec. 19, 1906.

SUNDAY BEFORE CHRISTMAS

POP CONCERT—The full G. A. Band and Miss Olive May Harris "Lady Cornetist."

If you are in doubt about your Christmas presents let us give you logic about Christmas buying and show you our beautiful line of watches. They are a pleasure to look at and time keeping qualities the finest. Walter H. Deuble, Jeweler and Optician, opposite court house.

LIVED AS MAN

DEATH DISCLOSES
FEMININITY.Mystery in Case of Nicolai
DeRaylan.Fond of Fair Sex—Wives
Laugh at Story That
Their Husband Was
a Woman.

Chicago, Dec. 19.—Efforts to unravel the mystery of the most remarkable instance of double identity in Chicago's history has only added to the strange features in the case of Nicolai De Raylan, who, after posing here for years as a man, is now declared by an undertaker at Phoenix, Arizona, where he died yesterday, to have been a woman. After receiving full telegraphic particulars from Phoenix, Baron Schlippenbach, Russian consul in Chicago, for whom De Raylan was secretary for several years, confessed himself completely baffled. De Raylan was twice married and once divorced during his residence in Chicago. Both wives laugh at the story that their husband was a woman. His first wife obtained her divorce on grounds of infidelity. He was first married nine years ago, and lived nearly five years at 700 California avenue. The divorce was granted in 1903.

"My husband was a man," says his first wife, now Mrs. Edward Bruchullis, of 3112 Halsted street. "He was frail and slight and given to all the weakness of many men. It was his fondness for women that led to our divorce."

The present Mrs. De Raylan, formerly Miss Anna Davidson, a chorus girl, was almost prostrated when she received the news of her husband's death. "The declaration that he was a woman is too absurd to talk about," she says. "He was the finest fellow in the world." Mrs. DeRaylan's home is at 592 California avenue. De Raylan professed to be the son of a Russian admiral. He was well educated and, besides his duties as a clerk in the Russian consulate, derived a good income as translator for Russian immigrants. He was always well dressed, smoothly shaved, and spoke in a high pitched, falsetto voice which sometimes aroused good natured comment among his friends. He was seldom seen without a cigar or cigarette and possessed the ability to withstand the effect of drink better than most men. He had suffered from consumption for two years and went to Arizona six months ago in the hope that the climate might prove beneficial. No news was received from him until the arrival of the telegrams announcing his death, coupled with the startling news that he was a woman. Records of the war department show that he enlisted as a soldier in the Spanish-American war.

Get the Klein & Heffelman Plan of selling pianos for Xmas; it's the right way. The Klein & Heffelman Co.

Adam Schirra, Cornet Soloist with out logic about Christmas buying and Victor Herbert's Orchestra—Miss Lady Cornet soloists of the present time. Miss Harris and her accompanist will appear at the B. A. Band Pop Concert next Sunday.

Director Reinkendorff is preparing an especially fine program for next Sunday's G. A. Band Pop Concert.

Eva Tanguay at the Grand. For real comedy "A Good Fellow" filled the bill to perfection at the Grand last night, and was a great success. Miss Eva Tanguay in her own inimitable style kept a large audience in an uproar with her witty sayings and amusing situations until the drop of the curtain, and it was generally conceded that the production was the best for the display of her talents she has ever appeared in. However much credit is due the excellent company which supported her.

Four Killed. Buffalo, N. Y., Dec. 19.—Four persons lost their lives and another was fatally injured in the burning of a rooming house shortly before midnight tonight.

Ice Skates, All Kinds. From 60c up. The Klein & Heffelman Co.

MYSTERY AT BRYAN

Body of Supposed Missing Druggist
Arrives—Wife Charges Fraud.

Bryan, O., Dec. 19.—Mystery surrounds the body of a man sent to the city from Camden, N. J. It was supposed to be the body of John P. Long, a prominent druggist who disappeared from this place last July. Nothing was heard from Long until the other day when it was announced that he had been killed by a train at Camden. The body was sent here and prepared for burial, but just before it was assigned to the grave the divorced wife of Long asked to see the remains. "That is not the body of my former husband," exclaimed the woman as she looked upon the face of the dead man.

After Long disappeared his wife applied for a divorce and was granted a decree with alimony amounting to \$5000. This decree was handed down September 10. It is believed that if he was killed before she was granted the divorce, the court ruling including the \$5000 alimony, is void. If Long is alive he will fall heir to property worth at least \$50,000. If dead the same will go to the people now investigating the death and who brought the body here.

Music Cabinets, Celarettes, Tabourettes.

Special sale for today only. The Klein & Heffelman Co.

Souvenir Song Book Free.

Tomorrow and next day call at Piano department. The Klein & Heffelman Co.

Ladies' Desks, \$3.75.

Solid Oak, beautiful design. The Klein & Heffelman Co.

Children's Morris Chairs, \$2.25. Suitable for Xmas gifts. The Klein & Heffelman Co.

BEN TILLMAN

Apprehension That He
Will be Assassinated
at Marion.

POLICE WILL PROTECT

Marion, O., Dec. 19.—The police here fear that an attempt will be made to assassinate Senator Tillman when he comes here Friday to lecture on the race problem. All sorts of threats have been made by negroes and their sympathizers, and today a colored man was arrested because of the statements he made. When Mayor Louis Scherff and Secretary Oatey, of the Y. M. C. A., announced that Tillman would speak here, and that they had asked him to discuss the race problem every negro in town protested. An attempt was made to persuade the mayor and Oatey to have Tillman cancel his date here, but they refused to do so. The debating club of the Y. M. C. A. has been discussing the negro problem and for this reason the request was made that Tillman talk on his favorite topic.

In the last two days threats have been made openly by negroes that Tillman would be given a warm reception when he arrives. The senator will be given police protection during his stay here.

Blame Placed on Railroads.

Minneapolis, Dec. 19.—At the closing hearing of the interstate commerce commission today in the investigation of the car shortage in the northwest, J. J. Hill, was the most important witness, and the head of the Great Northern proved a disappointing one in the least. He produced figures and facts, and he said that the Northwest was growing too fast for the railroads, and that was the reason for so much suffering this year. Summing up the hearing which lasted three days, the shippers and the people seemed to have good cause for complaint and the fault rests with the railroads.

Special at American
Fruit Store

Mixed Nuts 15c lb.
Mixed Candies . . . 7c lb.

and upwards.
Cigars packed from 12 to 50 in box. Meerschaum pipes at reasonable prices. Cheapest fruit store in the city.

F. GUURLINGER, Prop.
316 E. Tuscarawas St.

RACE RIOTS

WILL BE INVESTIGATED
BY CONGRESS.

Foraker Will Make Determined Efforts

To Bring About Discussion
of Dismissal of Negroes—Death Knell of
Reformed Spelling.

Washington, Dec. 19.—Determined efforts will be made by Senator Foraker of Ohio, to secure a congressional investigation of all facts connected with the recent race riots at Brownsville, Texas, and the later dismissal from the army by order of the president of three companies of negro troops. A discussion of this subject was precipitated in the senate late this afternoon by Mr. Foraker's motion that the message of the president and the accompanying documents relating to this question, be referred to the committee on military affairs with a direction that it conduct a full investigation if it considered it necessary to establish the accuracy of any of the facts presented to it. Mr. Lodge and Mr. Warren objected to the form of the motion, they maintaining that the committee should be given discretion to act as it deemed best. Several other senators, while announcing that they had no objection to a full inquiry, suggested that it might be well to defer action until they had an opportunity to read the bulky report which accompanied the message. Mr. Foraker, in an effort to secure immediate action, modified his motion which he put in the form of a resolution but the debate, which gave promise of unusual life, was cut short by Mr. Clay objecting to consideration. Under the rules this carried the resolution over until tomorrow.

Mr. Foraker gave notice that he would press it at that time. The meeting of the committee on military affairs has been called for tomorrow, but it is announced that the controversy over the negro troops will not be taken up until after the holidays. It is believed that the final outcome will be the reporting of a resolution calling for an investigation. Although the Democratic members of the committee side with the president in the action taken, it is understood that they do not propose to stand in the way of adding to foment Republican discord. Mr. Lodge recognized as the spokesman in the senate for the administration, sounded the final death knell of reform spelling in government printing. It was when an order was entered for reprinting the president's Panama message. He suggested that in view of the house having turned down the innovation and the president having withdrawn his order, that the printing of the additional copies be in normal spelling. This was agreed to, although by reason of the illustrations and the simplified spelling, the present plates cannot be used.

What Piano Shall I Buy?

Have you heard the Ebersole piano? It's great. The Klein & Heffelman Co.

Railroads Swindled Government.

Washington, Dec. 19.—Declaring that railroads of the country have made millions of dollars out of the national government through fault of computation of the amount of mail they carry and to prevent a further bleeding of the treasury, Representative Murdock, of Kansas today offered a resolution, in the house, calling upon the postmaster general for an explanation. The resolution calls the payment to the New York Central and Hudson River railroad, for carrying the mail between Buffalo and New York city, of a yearly excess of \$257,000 over what the weighing should have provided for.

A Good Plan.

The Klein & Heffelman plan of selling pianos for Xmas. Get it.

Funeral of Oliver Charmois.

The funeral of Oliver Charmois, the bright young business man who premature death removed from his friends on Monday, was held at the Charmois residence Wednesday afternoon at 1 o'clock. Rev. R. A. Cassidy conducted the services. The Knights of Pythias and Jr. Order of American Mechanics were in charge of the funeral. Wreaths of bright and beautiful flowers decked the bier. The funeral was attended largely by business associates and friends of the deceased. The remains were interred in Westlawn cemetery.

HOT FROM THE WIRE

Columbus—W. J. Bryan will speak in Memorial hall February 20, by the invitation of the board of trade.

Trenton, N. J.—United States Marshal Aleutt served summons on several officers of subsidiary companies of the Standard Oil company, as witnesses in the suit brought by the government against the Standard Oil and which will come to trial in St. Louis, January 7.

Mexia, Tex.—The business section of the city was destroyed by fire. Loss \$100,000.

Cynthiana, Ky.—The jury in the case of Curt Jett, on trial for the assassination of James Cockrill, is completed.

Chicago—Except for \$325 in cash, utter failure has attended all efforts to find an article of value representing the \$100,000 deposits in the defunct Lincoln bank, of Morton Park.

Akron—Mayor Kemple closed all moving pictures theatres on account of danger of fire.

Harrisburg, Pa.—The state board of pardons refused to grant a hearing to Frank Johnson, the New Castle murderer, whose application for commutation has twice been refused.

Special in Taylor Rockers, \$3.50. Make acceptable Xmas gifts. The Klein & Heffelman Co.

Sweaters, Sweaters, and Jersey sweater jackets. Largest selection in town. The Klein & Heffelman Co.

THE ELECTION

Of the Equitable Life Insurance Company
Held—Victory For
Administration.

30,000 VOTES ARE CAST

New York, Dec. 19.—The first election of the Equitable Life Assurance society under the new insurance law was held today and approximately thirty thousand votes, all of which were in favor of the administration were cast. The administration ticket is made up of policyholders representing all of the policyholders in the society, and its election, was, in effect, a ratification of the work of the trustees, Grover Cleveland, Morgan J. O'Brien and George Westinghouse, in reconstructing the board of directors. The nomination of the administration ticket, which is required by the new law, was delegated by the directors to the three trustees. They nominated men whom they had already placed on the board, to fill vacancies, after consultation with the policyholders throughout the country. The ticket thus nominated with the endorsement of the directors, gave such satisfaction that no opposition ticket was nominated. James B. Forgan is the only one of the directors elected today, who served on the board under the old agreement of the society. The 28 new directors will directly represent the policyholders and will comprise a majority of the board. The other 24 will represent the stock interests, but they will be nominated by the three trustees, in their discretion. Hereafter the policyholders will elect seven out of 13 directors annually.

The holders of directors, representing the stock, H. R. Winthrop, Levi P. Morton, B. Alexander, Bradish Johnson, in W. Kreech, David H. Moffat, V. Snyder, Gage E. Tarbell, Sir William C. Vanhorne, H. C. Haastie, James H. Hyde, John J. McCook, William H. McIntyre, Paul Morton, J. F. Denavarrro, and George T. Wilson. The terms of the last seven named will expire on December 31, 1907. The terms of the others with the exception of Mr. Winthrop, who has resigned to take effect December 31 next, will expire a year later.

Guitars, Violins, Mandolins, at Cost To close out this department. The Klein & Heffelman Co.

Hockey Skates. The ideal Xmas gift for boys. The Klein & Heffelman Co.

It is said that \$30,000 is spent in cab hire in London every day.

If you want to smile every day next year call and get our

1907 CALENDARS

Positively None Given to Children.

THE CANTON LUMBER CO.
L. O. L. P. 601 East North

The Arcade

BAR AND CAFE

Service is now unsurpassable. Business Men's Lunch from 11 A. M. to 2:30 P. M.
J. H. Foley and
W. J. HANFORD.

240 E. Tusc. St.

A. J. Douds & Son, Dentists, Tel. 237.